

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Writ Petition No.21883 of 1997

DATED 22-2-2007

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BETWEEN

P.Umanadha Sarma

.. Petitioner

And

Sarada Educational Society,
Gandhi Nagar, Vijayawada rep by its
Secretary and Corespondent and 2 others.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO.21883 of 1997

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ORDER:

The short question, which arises for consideration is as to whether the petitioner, who is working as a lecturer in an unaided post in the 1st respondent institution, is entitled to be appointed as a lecturer in an aided post, in preference to the 4th respondent.

The case of the petitioner, as vehemently put across by Sri A.Venkataramana, learned counsel for the petitioner, is that there is a practice to absorb lecturers working in unaided posts as and when vacancies arise in aided posts, since the very appointment of these persons as unaided lecturers is pursuant to a regular process of

selection as prescribed under the orders issued by the Government from time to time. Learned counsel, while referring to the orders issued by the Government in G.O.Ms.No.127 dated 7.6.1993, would submit that while the said Government order requires the first three, out of the four vacancies of lecturers in degree colleges, to be filled up by recruitment by transfer from among eligible, qualified and suitable junior lecturers under the same management and in the absence of such junior lecturers by direct recruitment, the 4th vacancy is to be filled up by direct recruitment alone. Learned counsel would submit that since there is a practice of absorbing lecturers working in unaided posts in the vacancies, which arise in aided post, and since the orders issued by the Government under G.O.Ms.No.127 dated 7.6.1993 does not indicate the manner of preference, the petitioner being a lecturer, albeit in an unaided vacancy, in a Government Degree College ought to have been preferred and appointed as a lecturer in the aided vacancy, which has arisen in a degree college, in preference to the 4th respondent, who was hitherto working as a lecturer in a junior college under the management of the 1st respondent itself. Learned counsel would refer to several other orders issued by the competent authority from time to time, wherein the services of lecturers working in unaided posts were absorbed/regularized, against the vacancies earmarked for direct recruitment. Learned counsel would emphasise that, since there have been several such cases wherein the services of employees have been regularized, the case of the petitioner for regularization/absorption should have been considered in preference to the 4th respondent.

As per G.O.Ms.No.127 dated 7.6.1993, the first three

vacancies of lecturers in degree colleges are to be filled up by transfer from among suitable junior lecturers under the same management. Consequent on the demise of the lecturer who held the post, the second vacancy was filled up by appointing Dr.B.Rajagopala Sharma and on his death, the 3rd vacancy was filled up by the 4th respondent, both of whom were junior lecturers under the same management.

While it is true that, in the counter affidavit, it is stated that there is a provision for absorption of unaided lecturers into aided vacant posts, it is also stated that such a process is resorted to only if there are no eligible internal junior lecturers for promotion. The fact remains that there were eligible junior lecturers for promotion and the 4th respondent was one such. As such his appointment as a lecturer in a degree college under the 1st respondent cannot be faulted.

Sri A.Venkataramana, learned counsel for the petitioner, would seek a direction from this Court that atleast in the next available vacancy, as and when it arises, the petitioner's case should be considered, since it has been a practice in the department to absorb lecturers, working in unaided vacancies, against vacancies earmarked for direct recruitment.

Inasmuch as this court, ordinarily does not adjudicate academic questions, and it is not as if a vacancy exists at present, I do not see any reason to accede to the request of the learned counsel for the petitioner. Suffice to hold that, as and when vacancies arise, it is always open to the petitioner to submit a representation and seek consideration of his case for appointment,

as a lecturer, in an aided vacancy. I have no reason to doubt that, on making of such a representation, the authorities concerned shall examine the matter and take a decision in accordance with law.

Subject to the above observations, the writ petition fails and is accordingly dismissed.

RAMESH RANGANATHAN,J

Dt: 22.2.2007

msv.